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Moscow meeting strengthens human rights

On October 4, 1991, in the long shadow of the Yugoslav crisis and the wake of the failed Soviet coup, the 38 participating States of the Conference on Security and Cooperation in Europe concluded the Moscow Meeting on the Human Dimension.

The month-long meeting, the third and final in the human dimension series, was attended by foreign ministers from nearly all the participating States, and included, for the first time, the full participation of Estonia, Latvia, and Lithuania.

Helsinki Commission Chairman Steny Hoyer (D–MD) and Co-Chairman Dennis DeConcini (D–AZ) led a Commission delegation to Moscow for the opening of the meeting and served as Vice Chairs of the U.S. delegation, headed by Ambassador Max Kampelman. Helsinki Commission staff remained in Moscow for the duration of the meeting as members of the U.S. delegation.

Final Document sets precedents

The final Document adopted in Moscow deepens and supplements CSCE commitments in the Copenhagen and Geneva Documents, as well as the Charter of Paris for a New Europe. It categorically and irrevocably declares that CSCE human dimension commitments are matters of direct and legitimate concern to all participating States, and not solely the internal affair of the State concerned. In doing so, it puts to rest, once and for all, the argument that criticism of a state's human rights performance constitutes "interference in internal affairs."

The cornerstone of the Document is the expansion of the "human dimension mechanism" adopted in Vienna in 1989. The human dimension mechanism, as initially elaborated, provided for instances of non-implementation of CSCE commitments to be raised by any participating State at any time, and committed each government to respond when questions concerning its implementation record were raised.

The Moscow mechanism introduces the idea of the CSCE playing a mediating or advisory role in helping a participating State to resolve disputes or deal with potential problems before they reach the point of serious confrontation. Any participating State may, on a voluntary basis, invite a panel—drawn from a CSCE roster—of experienced, skilled people to enter its territory in order to encourage a mediation or good offices process directly with the concerned parties.

Soviet President Mikhail Gorbachev opens the CSCE meeting on the Human Dimension in Moscow. For the first time, Estonia, Latvia, and Lithuania were full participants in the 38-nation forum.

The Commission on Security and Cooperation in Europe by law monitors and encourages progress in implementing the provisions of the Helsinki human rights accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives and one official each from the Departments of State, Commerce and Defense.

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Commission Chairman Steny Hoyer and human rights activist Yelena Bonner confer before the opening of the Moscow meeting.

If these voluntary measures are not taken, or prove inconclusive, the expanded mechanism also provides for an additional, more intrusive step: a mandatory "fact-finding" function. Adding the mandatory element is significant for two reasons. It should act as an incentive for a State to request assistance voluntarily, which is the preferred outcome, and it will provide the CSCE with a tool for addressing an issue of concern to the CSCE community, even when the State involved is unwilling.

Rule of law strengthened

In addition to the expanded mechanism, the Moscow Document contains advances over previous CSCE commitments in several important areas. It strengthens commitments to the rule of law, focussing on such issues as the independence of the judiciary, the importance of open and accountable legislative processes and review of administrative regulations and decisions, the need for civilian control of military and paramilitary forces, internal security and intelligence services, and the police.

The document also includes first-time recognition within the CSCE that independent media are essential to free and open societies and accountable systems of government.

Other important issues addressed in the document include freedom of movement, respect for the rights of migrant workers, non-discriminatory treatment of women, protection of the rights of persons with disabilities, and a detailed elaboration of provisions on non-governmental organizations.

Review of implementation

In contrast to the lackluster discussion a month earlier at the Geneva Meeting on National Minorities, delegations in Moscow were willing to point out shortcomings as well as progress in fulfillment of human rights commitments.

Notably, perhaps the single most critical statement given was a self-criticism presented by Soviet co-head of delegation Sergei Kovalyev, a former political prisoner now chairing the RSFSR Supreme Soviet Human Rights Committee.

Kovalyev, amplifying earlier criticisms and promises of improvement made in the opening statements of Soviet President Gorbachev and Foreign Minister Pankin, said further improvement was necessary concerning exit visa regulations, internal passports, psychiatry, independent judiciary, capital punishment, prison conditions, and political prisoners.

Soviet shortcomings cited

He also called on the central government to cease actions which violate the sovereignty of the republics, adding that the January 1991 use of violence against Lithuania and Latvia still required explanation to the international community. At the same time he cited human rights violations in the republics and said discussion of the abuses should be moved from the national to international arena.

Kovalyev's speech did not dissuade the United States and other delegations from reviewing their concerns with continuing Soviet shortcomings, particularly regarding long-term refuseniks, and human rights situations in the republics.

Commission sets the tone

Prior to the opening of the Moscow meeting, the Congressional delegation led by Chairman Hoyer presented a list of outstanding refusenik cases to many of the Soviet officials with whom they met. Reiterating their dismay that still no action has been taken on these cases, many of which were to have been resolved 6 months after the conclusion of the Vienna Review Meeting in 1989, the delegation urged their immediate resolution.

"Continued inaction by Union authorities calls into question their commitment to honor the rights of all citizens to freedom of movement," Hoyer and DeConcini said.

—Vinca Showalter–

Commission hearing on Nagorno-Karabakh

On October 23, 1991, the Helsinki Commission held a hearing on the ongoing conflict in Nagorno-Karabakh, an enclave in the republic of Azerbaijan with a majority Armenian population. The hearing addressed the causes of the conflict and the further possibilities for a peaceful resolution of the dispute.

Both Armenia and Azerbaijan claim historical rights to the region and since 1988, hundreds of people on both sides have been killed in the conflict. In addition, over 500,000 Azeris and Armenians have fled across the borders, creating an enormous refugee problem. Though a recent peace agreement brokered by Presidents Yeltsin and Nazarbayev offered some hope of a settlement, fighting was quickly renewed on both sides.

In his opening address, Commission Chairman Steny Hoyer (D-MD) noted that the battle over Nagorno-Karabakh is being fought not only with weapons but also through the language of the Helsinki Accords; the Armenians cite the right of self-determination, pursuant to article VIII of the Helsinki Final Act, and the Azerbaijanis point to the sanctity of recognized borders, as stated in Principle III.

Co-Chairman Senator Dennis DeConcini (D-AZ) remarked that finding a solution is made all the more difficult because both sides dismiss the claims of the other and both claim that the other side initiated the hostilities. Also in attendance at the hearing were Representatives Barbara Boxer (D-CA), Richard Lehman (D-CA), Wayne Owens (D-UT), Mel Levine (D-CA), and Joe Kennedy (D-MA).

Testimony of human rights abuses

As the first witness to testify at the hearing, Baroness Caroline Cox, Deputy Speaker of the British House of Lords, described her recent visit to Nagorno-Karabakh and asserted the existence of massive human rights abuses, primarily in the form of forced deportations of Armenians living in the Karabakh region to Armenia by Azerbaijani Special Police Forces (until recently aided by the Soviet Army). During her visit to the region, Baroness Cox said she witnessed the effects of repeated attacks on Armenian villages by Azeri forces.

Violence follows peace treaty

Yelena Bonner, a well known human rights activist and wife of nobel laureate Andrei Sakharov, also testified to the forced deportations of Armenians, a process she said is accompanied by considerable violence and killing. She noted that since the peace agreement was signed, violence on both sides has only grown.

Two deputies of the Russian Supreme Soviet from the subcommittee overseeing events in Nagorno-Karabakh also appeared as witnesses. Mr. Fyodor Shilov-Kovydyaev claimed that the conflict was not simply ethnic in nature but political, a conflict between a still Communist dominated regime in Azerbaijan and a more democratic one in Armenia.

Mr. Anatoly Shabad, in response to a question from Chairman Hoyer, testified that there were in fact human rights abuses on both sides, and that there are many Azeri refugees from Armenia with evidence of having been forced out. He also observed that both sides are absolutely convinced of the truth of their cause and the feeling of revenge is paramount.

Conflicting points of view

The Armenian Permanent Representative to the United States and Canada, Alexander Arzoumanian, asserted that throughout the Soviet period, Armenians living in Azerbaijan have suffered persecution. He said that though the recently agreed ceasefire did not succeed, such negotiations and the introduction of Russian and Kazakh observers to Nagorno-Karabakh are positive steps toward resolution of the hostilities.

Mr. Nadir Mekhtiyev, Chairman of the Commission on Human Rights in the Azerbaijan Supreme Soviet, offered the Azerbaijani view of the conflict. Mr. Mekhtiyev claimed that since 1918, hundreds of thousands of Azerbaijanis have been systematically expelled from Armenia, including 250,000 since 1988, and Azeri villages have been destroyed.

Baroness Caroline Cox, deputy speaker of the British House of Lords, testifies at the hearing on the Nagorno-Karabakh crisis along with human rights activist Yelena Bonner and two deputies of the Russian Supreme Soviet.

He asserted that the current fighting is aggravated by the existence of bands of Armenian extremist groups beyond the control of any government, including Armenia's. Mr. Mekhtiyev joined Mr. Arzoumanian in welcoming the recent Yeltsin-Nazarbayev initiative and expressed his hope that such negotiations would continue.

Joining Mr. Mekhtiyev was Dr. David Nissman, a specialist on Turkic peoples of the Caucasus and Central Asia. Dr. Nissman disputed the Armenian historical claim to Nagorno-Karabakh, asserting that until the 19th century, the majority population of the region had always been Azeri. Dr. Nissman maintained that the frequent categorizing in the Russian and Western press of the Armenian-Azerbaijani dispute as one between Christians and Muslims is erroneous, as the two peoples co-existed peacefully for centuries.

Points of agreement

There was one point on which all of the witnesses agreed. Moscow has manipulated and exacerbated the conflict for its own political ends. All concurred that the weakening of the Center after the coup will improve the chances for a negotiated settlement, as illustrated by the Yeltsin-Nazarbayev initiative.

Mr. Mekhtiyev declared that a solution could be found in the guarantee of Nagorno-Karabakh's sovereignty within the Republic of Azerbaijan. After questioning from Chairman Hoyer, Mr. Arzoumanian acceded that this would be an acceptable first step toward self-determination for the people of Nagorno-Karabakh.

In addition, the representatives of both governments agreed to a list of recommendations to end the conflict provided by Baroness Cox, which included an immediate cease-fire, the return of deportees, and the presence of an international peace-keeping force.

Commission to visit region

During the hearing, Chairman Hoyer accepted an invitation from Mr. Mekhtiyev to visit the embattled region. A time for the visit has not been set.

—Patricia Carley

Commissioners Chris Smith and Frank Wolf meet with Cardinal Kuharich and Archbishop Kiksha in the Roman Catholic Cathedral of Zagreb, Croatia.

Commission members observe Yugoslav conflict firsthand

Helsinki Commission members Rep. Christopher Smith (R-NJ) and Rep. Frank Wolf (R-VA) witnessed the ongoing conflict in Yugoslavia firsthand during a trip to war-torn Croatia and the republic of Serbia in September.

During meetings with the Presidents and other officials of both republics, as well as representatives of the Yugoslav Federal Government, Smith and Wolf said they stressed the need for "military restraint, negotiation and reconciliation."

United States "missing the train"

While in Zagreb, the two lawmakers met with Croatian President Franjo Tudjman who told them that U.S. and European Community (EC) involvement was vital to a peaceful outcome of the conflict. The President stressed Croatia's borders "should not change by force" and lamented that his republic did not have sufficient firepower to adequately defend itself.

President Tudjman said the United States was "missing the train" by not being more active in the earlier weeks of the crisis and that U.S. policy was wrongly predicated on the notion that the "Yugoslav nation can and will be saved."

During a visit to the Croatian city of Osijek, which was under "intense military seige," Smith and Wolf met with injured civilians and Croatian soldiers who told of brutal acts being committed by Serbian "irregulars" and Yugoslav soldiers.

Accompanied by Croatian special forces through the "largely evacuated" city of Vukovar, which was surrounded by more than 200 Yugoslav army tanks and a combination of Serbian "irregulars" and federal army troops, Smith said he and Wolf witnessed "dozens of buildings including homes that had been pulverized, we

were told, by hostile mortar fire and Yugoslav MiG fighter jets."

Smith said that after several MiG fighters had flown over the city during their visit, explosions could be heard in the distance, but the source of the noise could not be confirmed. The Yugoslav Vice Minister of Defense, Admiral Stavil Brovet, denied that MiGs had dropped any bombs on Vukovar, or that the military had sided with Serbia, when confronted by Smith and Wolfe with the information several days later in Belgrade.

Serbian isolation possible

Joined by U.S. Ambassador to Yugoslavia Warren Zimmerman in Belgrade, Smith and Wolf met with with Serbian President Slobodan Milosevic and Foreign Minister Vladislav Jovanovic. "In a very firm but diplomatic way we conveyed our concern over the potential for a blood bath and that Serbia and the Yugoslavian armed forces would bear the brunt of international criticism," Smith said. "One consequence of initiating new hostilities would be Serbian isolation, we told him."

According to Smith and Wolf, President Milosevic spent most of his time during the meeting describing the mistreatment of the 600,000 Serbs living in Croatia and the fear in Serbia that Croatia was evolving in a way not unlike it had 50 years ago when it allied itself with Nazi Germany. "He spoke much of the atrocities committed by Croats against Serbs during that dark period and it was clear to me that past horrors are being employed as a rationale for current policies," Smith said.

Federal government officials in Belgrade echoed the sentiments of Croatian President Tudjman—that EC and international involvement are an essential ingredient of any attempts to find a peaceful resolution to the Yugoslav crisis.

Smith and Wolf also met with officials from the Roman Catholic Church in Croatia and the Serbian Orthodox Church in Belgrade. The two lawmakers have urged the religious leaders to work together in "openly and vigorously pursuing peace and reconciliation between the various ethnic populations of that country."

During a floor statement in the House of Representatives after returning from the trip, Rep. Wolf called on the Bush administration to become more involved in searching for a resolution to the conflict. "The U.S. Government cannot stand by any longer as Croatia and Serbia continue toward destruction, Wolf told his colleagues. "It is modern times and if we cannot intercede and be successful here, then we must fear that this type of activity can scatter throughout the other parts of Yugoslavia and other parts of Eastern Europe or in the Soviet Union."

—Jamie Ridge

Resolutions on Armenian independence

On September 17, 1991, resolutions recommending that the United States support the Armenian people in their effort to achieve freedom and independence were introduced in Congress.

Rep. Steny H. Hoyer (D-MD) and Sen. Dennis DeConcini (D-AZ), Chairman and Co-Chairman of the Helsinki Commission, introduced the resolutions with hopes of assisting Armenia in pursuing a peaceful, legal and democratic path to independence.

Parliamentary elections in May 1990 ended Communist Party control of Armenia's legislature and government. An overwhelming majority voted in favor of a referendum on independence on September 21, 1991. The referendum was followed by a multiparty presidential election on October 16.

The Armenian presidential election, in which Levon Tor-Petrossyan won an overwhelming majority, was observed by an international body of monitors, including a Helsinki Commission staff member.

"The Armenian people have long nurtured the spirit of freedom," Hoyer said. "They deserve nothing less than our full support."

—Jennifer Lamb

Resolutions urge Ukrainian independence

Resolutions which urge President Bush to recognize Ukraine's independence and undertake steps toward the establishment of full diplomatic relations with its government have been introduced by Sen. Dennis DeConcini (D-AZ) and Rep. Don Ritter (R-PA) in the Senate and House.

DeConcini and Ritter, the Chairman and ranking Republican House member of the Helsinki Commission, said the resolutions were introduced in response to the Ukrainian parliament's vote on independence from the former Soviet Union. The vote took place on August 24, shortly after the failed coup attempt in Moscow.

"This momentous and long-awaited reassertion of Ukrainian statehood is already exerting a profound impact on the United States and the rest of the world," DeConcini said. "Ukrainian independence would result in the emergence of a land rich with resources and tremendous economic and human potential."

"It is in our national interests to assist Ukraine in their peaceful and democratic transformation to independence and to facilitate this process," Ritter said. "Clearly, we will benefit by having a stable, democratic and friendly nation of 52 million in that region of the world."

Along with calling for the recognition of independence, the resolutions urge the President to utilize U.S. assistance, trade and other programs "to support the government of Ukraine and encourage the further development of democracy and a free market in Ukraine."

A nation-wide referendum on the parliament's independence declaration is scheduled in Ukraine for December 1, 1991. The DeConcini and Ritter resolutions stipulate that President Bush should take the steps only if the independence declaration wins the support of the Ukrainian people.

—Jamie Ridge

FOR THE RECORD

CONFIDENTIAL KGB PUBLICATION titled "Threats to Security and the Necessity of Joint Actions by the Republics," leaked to the Soviet press in October 1991. "The intensifying crisis in the internal affairs can lead to anarchy and either a return to the forces standing behind the coup, or the development in the republics of national regimes of a populist, semi-fascist type. Both scenarios are rife with tragic consequences, with fanning of the flames of civil war."

ROBERT STRAUSS, U.S. Ambassador to the Soviet Union, October 1991. "They (Soviet politicians and policy analysts) don't see much danger, if any, of a coup of the kind we last saw. But what is of concern is something born of disintegration, a spontaneous uprising taking place, in the streets, leaderless if you will, but with a united thrust. And in that climate it is very easy for demogogues to come up and take over. And that's a very dangerous thing."

RITA SUESSMUTH, speaker of the German lower house of parliament in Bonn, October 1991. "We must be aware that attacks against asylum-seekers and foreigners in Germany reawaken fears outside our country, which are nourished by our past. With our experiences under the National Socialist (Nazi) reign of violence, we Germans know the fundamental importance of asylum as a human right."

YELENA BONNER, human rights activist and wife of Nobel Laureate Andrei Sakharov, October 1991. "We have had the sad experience that so much help that is coming from the West to our country sort of disappears, seems to fall through a black hole. The question we have to ask is, do we want to help people or do we want to help the totalitarian monster which still exists and which is also sometimes referred to as 'the center.'"

JOHN LAMPE, professor of history at the University of Maryland, quoting a recent statement by a Yugoslav, October 1991. "Only the devil's own plan could have designed what we are now doing to ourselves, destroying in a few days what took decades, even centuries to build."

RECENT CSCE PUBLICATIONS

REFERENDUM IN THE SOVIET UNION—A compendium of reports on the March 17, 1991, referendum on the future of the USSR. 46 pages.

THE ELECTIONS IN ALBANIA—On-site Helsinki Commission staff report on Albania's first multi-party elections since the 1920's, with an introduction. 32 pages.

SOVIET AND BALTIC ELECTION REPORT—Single volume compilation of on-site Commission staff reports on parliamentary elections in the Baltic states of Lithuania, Latvia and Estonia, and the Soviet republics of Russia, Moldavia, Ukraine, Azerbaijan and Georgia, with an introduction. 188 pages.

REPORT ON THE ESTONIAN REFERENDUM AND LATVIAN PUBLIC OPION POLL ON INDEPENDENCE—On-site Commission staff report on the March 3, 1991, votes on independence in Estonia and Latvia, with an introduction. 5 pages.

CENTRAL AND EAST EUROPEAN ELECTION REPORTS—Single volume compilation of on-site Commission staff reports on the 1990 elections held in the GDR, Hungary, the Yugoslav republics of Slovenia and Croatia, Romania, the Czech and Slovak Republic, and Bulgaria, with an introduction. 157 pages.

COMMISSION TRIP TO HUNGARY, YUGOSLAVIA, AND ALBANIA—Report on the Helsinki Commission's March fact-finding trip to Hungary, Yugoslavia and Albania. 37 pages.

COMMISSION TRIP TO THE BALTIC STATES AND MOSCOW—Report on the Helsinki Commission's February fact-finding trip to Latvia, Lithuania, Estonia, and Moscow. 35 pages.

STAFF REPORT ON HOMELESSNESS—August 29, 1990. Examines the causes, responses, and symptoms associated with the growing homelessness problem in the United States, and examines the problem in relation to international human rights committments. The report is part of the Commission's continuing review of U.S. efforts to meet Helsinki process commitments. 77 pages.

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